

**SWAINS CREEK PINES LOT OWNERS' ASSOCIATION
BOARD OF DIRECTORS MEETING
October 2, 2021**

Minutes of the Board of Directors Meeting of the Swains Creek Pines Lot Owners Association held at the Swains Creek Pines Pavilion on the 2nd Day of October, 2021.

**EXECUTIVE SESSION – 8:30 a.m. MDT (Closed Meeting)
Collections, Enforcement, Personnel and Legal Issues**

OPEN MEETING – 10:00 a.m. MDT

- I. CALL TO ORDER** Vice Chairman Gina Chapman called the meeting to order at 10:13 am. Former Chairman Paul Placek has resigned. Gina named Chairman. Mike Lucero named Vice Chairman.
- II. ROLL CALL OF OFFICERS**
Present: Gina Chapman (Chairman), Cynthia Holland (Secretary), Chris Schlaffman (Treasurer); Bob Chapman (Manager), Travis Cottam (Board Member), and Bill Roderick (Manager), Mike Lucero (Board Member), Cheryl Case (Board Member), McKenzie Johnson of CAM.
NOT PRESENT – Alan Zellhoefer, Dan Crowther.
- III. APPROVAL OF THE MINUTES OF THE REGULAR MEETING**
August 7, 2021 Minutes, motion to approve the minutes from Cynthia Holland, second Cheryl Case. All were in favor.
- IV. TREASURER'S REPORT**
Treasurer's Report provided by Chris Schlaffman as of August 31, 2021
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| \$ 108,341.26 in the General Account | \$ 5,199.66 in the Playground Account |
| \$ 1,832.91 in the Pond Restoration Account | \$ 999.04 in the Fire Department Account |
| \$ 1,000.00 in Petty Cash-Debit Card Account | \$148,179.47 in the Reserve to Preserve Account |
- There is \$144,658.94 in revenue with \$141,237.94 coming from dues and the remaining \$3,421.00 coming from misc. income. Excess Revenue/Expense was \$33,607.31.
- Motion to approve the Treasurers report from Cheryl Case, second by Gina Chapman. All were in favor.
- V. MANAGERS REPORT** – Bob Chapman. Not much going on since we are at the end of the year. We would like some help from the members taking down the wind shades at the Pavilion after the meeting. In addition to we are having the highway clean-up after the meeting.
- VI. COMMITTEE REPORTS**
- Finance Committee – Chris Schlaffman - Chairman.**
- Budget Report – Chris Schlaffman – Dust abatement survey results, 25% responded and 48% chose Option 1, to keep dues at \$200 with a \$75 credit for next year.
 - Reserve to Preserve – Chris Schlaffman. No report
 - Status of Collections/Liens – Chris Schlaffman. No report

Legal Committee – Gina Chapman – Chairman, Alan Zellhoefer & Janelle Pearce to assist.

a. General Update – Janelle Pearce. A lawsuit was filed against the HOA in 2017. Attempts to reach resolution in the Cocks v Swains case were unsuccessful and a trial was held in January 2020. On November 20, 2020 a Judgment and Decree were entered and the Judge determined that the plaintiffs are entitled to use their property for RV purposes until there is a change of use. The Judge further ordered that the Resolution of October 1, 2016 clarified the CC&Rs, that it could be applied prospectively and recorded to serve as further notification to current and future interest holders. In accordance with the Judge’s ruling, the October 1, 2016 Resolution was recorded with the Kane County Recorder on September 14, 2021 for all lots in Units 1, 2, 3, 4 and Harris Spring Ranches. The October 1, 2016 Resolution was not recorded for the lots in Unit 1 Amended because those CC&Rs allow trailers with restrictions. This recording does not affect the current appeal that is still in progress. Additional information will be posted on our website.

Facilities & Architectural Committee – Dan Crowther, Chairman; Travis Cottam, Vice Chairman; Gina Chapman, Alan Zellhoefer & Bob Chapman to assist.

- a. General facilities update – Bob Chapman. It is the end of the year, there is not much going on.
- b. Report on Architectural Requests – Travis Cottam. In September we had two new additions, two new cabins, one gate and one shed. We closed 12 outstanding ARCs.
- c. Neglected Properties – Dan Crowther - No report.

Gina Chapman – We have had people making improvements and not knowing where their property lines are. The best way to confirm property lines is to have your property surveyed and pinned.

Community Relations & Events Committee – Shirley & Rod Burke; & CJ Mumford to assist.

Gina - No events for the remainder of the year. The Highway Clean-Up is today.

Claudette Dunning – Would like to have an Arts and Craft Fair on Saturday, of Memorial Day weekend 2022, from 9:00 AM to 6:00 PM. Tables \$20.00, half of that will go back to the Swains HOA. All people renting a table must be the one who designs or make the crafts, they cannot buy items and sell them here. We will put out info with an application. This will be open to the whole mountain. If we cannot get at least 20 tables rented, we will open it to others. We will not take any percentage of what people make.

Swains Creek Fire Council – Alan Zellhoefer, Chairman; Vice-Chairman; Gina Chapman, Teresa Zellhoefer to assist

a. Fire Council Activities – Gina Chapman. CMFPD is in the process of revamping their website. They are going to have a section for Fire Council activities with a link for lot clean up. That data is given to the Fire Warden and he uses that data when he writes grants.

According to CMFPD – the ISO people that come out and rate the area have pushed it due to Covid until December. The updated ISO rating should drop so our insurance rates should drop.

OLD BUSINESS – Results of survey on dust abatement; 25% of members responded to the survey.

First option – received 48% of the votes

Keep dues at \$200 per lot per year, but issue a \$75 credit to each lot for 2022. Although dues would officially remain the same as in previous years, each lot would only pay \$125 per lot for 2022.

Second Option – received 18% of the votes
Reduce our dues by \$75 beginning in 2022.

Third option – received 34% of the votes
Dues remain at \$200 per year per lot for the next 2 years with \$75 per year being placed into a separate, designated account.

Chris Schlaffman made a motion to approve the First Option; Second by Travis Cottam. All were in favor.

Gina reminded everyone there is an opening for a Manager's or Assistant Manager's position.

VII. NEW BUSINESS

Gina – Notice was sent out on the proposed amendments to the Guidelines. We need to bring these up to county code. Proposed changes reviewed and language options discussed. Cheryl Case made a motion to approve the proposed amended Guidelines. Seconded by Mike Lucero. All were in favor.

VIII. OPEN FORUM:

During the open forum inquiries and concerns in which lot owners would like to present will be limited to 2 minutes each for those who signed up to speak. Legal issues to be submitted to CAM.

Art Cocks Lot 526 stated he has filed 2 complaints. These may be sent to CAM.

Kevin Kampshoff, Lot 488, asked about specific requirements for surveying and RV utilization during construction. He was informed that maps are available from the county. ARC guidelines and setbacks must be followed. A trailer temporarily during construction is allowed in Unit 3 with an approved ARC application and active County building permits. It was noted that only Unit 1A is allowed to have RV's with restrictions.

Don Gannon-Jones, #176 – Across the street from Apache, the homeowner is tearing the road apart, and now has a little village of outbuildings. The Board is aware of this issue.

IX. MEETING SCHEDULE: January 8th is next meeting date.

X. ADJOURN: 10:53 Cheryl Case made motion to adjourn, Second by Travis Cottam 2nd. All were in favor.